

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARCUS JARROD PAYNE,

Appellant,

v.

STACY ELEY PAYNE,

Appellee.

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Civil Action No. 3:22-CV-2709-X

MEMORANDUM OPINION AND ORDER

Before the Court is appellee Stacy Payne’s motion to dismiss Marcy Payne’s appeal. [Doc. No. 30]. For the reasons below, the Court **GRANTS** the motion.

Marcus Payne appeals an order from the U.S. Bankruptcy Court for the Northern District of Texas that denied his motion to vacate a permanent injunction. However, Marcus Payne filed a deficient appeal. The Court provided him with notice of this deficiency with its “Notice Transmitting Deficient BK Record on Appeal.”¹ In an attempt to correct this deficiency, Marcus filed a motion for leave to file an immediate designation of record in the District Court *not* the Bankruptcy Court.² The Court denied the motion, telling Marcus that “[t]he designation was incorrectly filed in the District Court instead of the Bankruptcy Court.”³ Still, Marcus did not correct the deficiency, and thus the record remains deficient. If this wasn’t enough,

¹ Doc. No. 4.

² Doc. No. 8.

³ Doc. No. 24.

Marcus Payne never filed an appeal brief. Under the current circumstances of Marcus Payne's continual failure to correct the deficiencies of his appeal, the Court lacks the power to hear this case and has no choice but to **GRANT** the motion to dismiss.

IT IS SO ORDERED this 4th day of May, 2023.

A handwritten signature in black ink, appearing to read "Brantley Starr", is written over a horizontal line.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE